

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
AT MEMPHIS**

**LOURDES GABIKAGOJEASKOA<sup>1</sup>**

*Plaintiff,*

**vs.**

**Civil Action No. 12-2151 SHM**

**UNIVERSITY OF MEMPHIS,**

*Defendant.*

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**DEFENDANT’S MOTION TO DISMISS OR FOR SUMMARY JUDGMENT**

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Defendant moves this Court for an order dismissing this action for failure to state a claim upon which relief can be granted, pursuant to Fed.R.Civ.P. 12(b)(6), or, in the alternative for summary judgment, pursuant to Fed.R.Civ.P 56(c), as there is no genuine issue of material fact and Defendant is entitled to judgment as a matter of law.

In support of this Motion, Defendant submits the Affidavit of Shirley C. Raines with attached exhibits, a Statement of Undisputed Material Facts, and a Memorandum of Law in support thereof.

Wherefore, Defendant prays that Plaintiff’s COMPLAINT be dismissed.

**Respectfully submitted,**

**ROBERT E. COOPER, JR.  
Attorney General and Reporter**

*s/ William J. Marett, Jr.*  
William J. Marett, Jr., No. 07020  
*Senior Counsel*, CIVIL LITIGATION AND  
STATE SERVICES DIVISION

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<sup>1</sup> Spelling corrected.

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 1, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt:

None

All other parties will be served notice of this filing by regular U.S. mail as follows:

Lourdes Gabikagojeaskoa  
99 N. Main St., Apt. #1101  
Memphis, TN 38103

Parties may access this filing through the Court's electronic filing system.

s/ William J. Marett, Jr.